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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 LHF PRODUCTIONS, INC.,

8 Plaintiff,

9 v.

10 HEATHER NELSON, an individual;
11 SVETLANA KUKHAR, an individual;
12 DAVID LEIBENSPERGER, an individual;
and LAUREN PUCCI, an individual;

13 Defendants.

CASE NO. C16-1017RSM

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT AGAINST SVETLANA
KUKHAR (DOE 10)

14
15 **I. INTRODUCTION**

16 This matter comes before the Court on Plaintiff's Motion for Default Judgment against
17 Svetlana Kukhar (Doe 10). Dkt. #94. Having reviewed the relevant briefing and the remainder
18 of the record and for the reasons discussed below, Plaintiff's Motion is granted in part.

19 **II. BACKGROUND**

20 Plaintiff's motion for default judgment is just one of more than fifty default judgment
21 motions filed by Plaintiff in eighteen related cases before the Court.¹ All eighteen cases assert
22 the same cause of action. Plaintiff alleges that close to two hundred named defendants unlawfully
23 infringed its exclusive copyright to the motion picture *London Has Fallen*, which it developed
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26 ¹ See Case Nos. C16-551RSM, C16-552RSM, C16-621RSM, C16-623RSM, C16-731RSM,
C16-864RSM, C16-865RSM, C16-1015RSM, C16-1017RSM, C16-1089RSM, C16-1090RSM,
C16-1175RSM, C16-1273RSM, C16-1354RSM, C16-1588RSM, C16-1648RSM, C17-
254RSM, and C17-782RSM.

1 and produced, by copying and distributing the film over the Internet through a peer-to-peer
2 network using the BitTorrent protocol. Plaintiff uncovered the identities of the alleged infringers
3 after serving several internet service providers (“ISPs”) with subpoenas issued by the Court.
4 Amended complaints identifying the alleged infringers were subsequently filed.

5 Defendant Svetlana Kukhar (“Defendant”), along with Heather Nelson, David
6 Leibensperger, and Lauren Pucci (collectively “Defendants”), are named in the same Amended
7 Complaint because, given the unique identifier associated with a particular digital copy of
8 *London Has Fallen*, along with the timeframe when the internet protocol address associated with
9 Defendants accessed that unique identifier, Plaintiff alleges Defendants were all part of the same
10 “swarm” of users that reproduced, distributed, displayed, and/or performed the copyrighted work.
11 Dkt. #26 at ¶¶ 10, 31–37, 42, 47. According to Plaintiff, “[t]he temporal proximity of the
12 observed acts of each Defendant, together with the known propensity of BitTorrent participants
13 to actively exchange files continuously for hours and even days, makes it possible that
14 Defendants either directly exchanged the motion picture with each other, or did so through
15 intermediaries” *Id.* at ¶ 37. The Court previously granted in part Plaintiff’s motions for
16 default judgment against the other three Defendants who never appeared in this action. Dkt. #78.
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18 Plaintiff in this case encountered difficulty in serving its Amended Complaint on
19 Defendant and sought leave to serve by mail. Dkts. #54 and #65. The Court ultimately
20 authorized service by mail, which Plaintiff effected. Dkts. #70 and #71. When Defendant did
21 not appear, Plaintiff obtained default and now default judgment. Dkts. #82 and #94.
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23 24 III. DISCUSSION

25 Based on this Court’s Order of Default and pursuant to Rule 55(a), the Court has the
26 authority to enter a default judgment. Fed. R. Civ. P. 55(b). However, prior to entering default

1 judgment, the Court must determine whether the well-pleaded allegations of a plaintiff's
2 complaint establish a defendant's liability. *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir.
3 1986). In making this determination, courts must accept the well-pleaded allegations of a
4 complaint, except those related to damage amounts, as established fact. *Televideo Sys., Inc. v.*
5 *Heidenthal*, 826 F.2d 915, 917–18 (9th Cir. 1987). If those facts establish liability the court may,
6 but has no obligation to, enter a default judgment against a defendant. *Alan Neuman Prods. Inc.*
7 *v. Albright*, 862 F.2d 1388, 1392 (9th Cir. 1988) (“Clearly, the decision to enter a default
8 judgment is discretionary.”). Plaintiffs must provide the court with evidence to establish the
9 propriety of a particular sum of damages sought. *Televideo*, 826 F.2d at 917–18.

11 A. Liability Determination.

12 The allegations in Plaintiff's Amended Complaint establish Defendant's liability for
13 copyright infringement. To establish copyright infringement, Plaintiff must demonstrate
14 ownership of a valid copyright and that Defendant copied “constituent elements of the work that
15 are original.” *L.A. Printex Indus., Inc. v. Aeropostale, Inc.*, 676 F.3d 841, 846 (9th Cir. 2012)
16 (quoting *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991)). Here, Plaintiff
17 alleges it owns the exclusive copyright to the motion picture *London Has Fallen*. Dkt. #26 at ¶¶
18 5–9. Plaintiff also alleges that Defendants all participated in the same “swarm” that unlawfully
19 copied and/or distributed the same digital copy of *London Has Fallen*. Dkt. #26 at ¶¶ 10, 31–37,
20 42, 47. Because Defendants did not respond to Plaintiff's Amended Complaint, the Court must
21 accept the allegations in Plaintiff's Amended Complaint as true. *See* Fed. R. Civ. P. 8(b)(6).
22 Accordingly, Plaintiff has established Defendant's liability.
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1 B. Default Judgment is Warranted.

2 The Court must next determine whether to exercise its discretion to enter a default
3 judgment. Courts consider the following factors in making this determination:

4 (1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff's
5 substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at
6 stake in the action; (5) the possibility of a dispute concerning material facts; (6)
7 whether the default was due to excusable neglect, and (7) the strong policy
8 underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

9 *Eitel*, 782 F.2d at 1471-72.

10 The majority of these factors weigh in favor of granting default judgment against
11 Defendant. Plaintiff may be prejudiced without the entry of default judgment as it will be left
12 without a legal remedy. *See Landstar Ranger, Inc. v. Parth Enters, Inc.*, 725 F. Supp. 2d 916,
13 920 (C.D. Cal. 2010) (finding plaintiff would suffer prejudice where denying default judgment
14 would leave plaintiff without remedy). Plaintiff's Amended Complaint is also sufficient and
15 Defendant did not present any evidence or argument to the contrary. Additionally, the Court
16 finds there is a low probability that Defendant's default was due to excusable neglect; Defendant
17 was given ample opportunity to respond to the filings in this matter between the time she was
18 served with Plaintiff's Amended Complaint and when Plaintiff filed its motion for default
19 judgment. Finally, although there is a strong policy favoring decisions on the merits, the Court
20 may consider Defendant's failure to respond to Plaintiff's Amended Complaint and Plaintiff's
21 subsequent motions as an admission that Plaintiff's motions have merit. *See Local Civil Rule*
22 *7(b)(2)* ("[I]f a party fails to file papers in opposition to a motion, such failure may be considered
23 by the court as an admission that the motion has merit.").

24
25 The amount at stake appears to be a more neutral consideration as it is somewhat modest.
26 Plaintiff seeks the minimum statutory damages in the amount of \$750, attorneys' fees of

1 \$1,384.50, and costs of \$157. Dkt. #94 at 4; Dkt. #96-1 at ¶¶ 11–13. More concerning, the Court
2 acknowledges that a dispute concerning the material facts alleged by Plaintiff may arise. *See*
3 *Qotd Film Inv. Ltd. v. Starr*, No. C16-371RSL, 2016 WL 5817027, at *2 (W.D. Wash. Oct. 5,
4 2016) (acknowledging that a dispute concerning material facts may arise in BitTorrent
5 infringement cases). However, on balance, the *Eitel* factors weigh in favor of granting default
6 judgment against Defendant.

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8 C. Appropriate Relief.

9 The Court next considers what relief to grant Plaintiff. Plaintiff seeks the following three
10 categories of relief from Defendant: (1) permanent injunctive relief; (2) statutory damages; and
11 (3) attorneys’ fees and costs. Each category is discussed in turn below.

12 i. *Permanent Injunctive Relief*

13 Permanent injunctive relief is proper in this matter. Section 502(a) of Title 17 of the
14 United States Code allows courts to “grant temporary and final injunctions on such terms as it
15 may deem reasonable to prevent or restrain infringement of a copyright.” As part of a default
16 judgment, courts may also order the destruction of all copies of a work made or used in violation
17 of a copyright owner’s exclusive rights. 17 U.S.C. § 503(b). Given the nature of the BitTorrent
18 system, and because Defendant has been found liable for infringement, the Court finds Defendant
19 possesses the means to continue infringing in the future. *See MAI Sys. Corp. v. Peak Computer,*
20 *Inc.*, 991 F.2d 511, 520 (9th Cir. 1993) (granting permanent injunction where “liability has been
21 established and there is a threat of continuing violations”). Consequently, the Court grants
22 Plaintiff’s request for a permanent injunction against Defendant. The Court will issue a
23 permanent injunction enjoining Defendant from infringing Plaintiff’s rights in *London Has*
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1 *Fallen*. The Court will also order Defendant to destroy all unauthorized copies of *London Has*
2 *Fallen*.

3 ii. *Statutory Damages*

4 The Court will also award Plaintiff \$750 in statutory damages for Defendant's
5 infringement, along with the other Defendants, of the same "seed" file of *London Has Fallen*.
6 The Copyright Act allows a plaintiff to choose between actual or statutory damages. *See* 17
7 U.S.C. §§ 504(b), (c)(1). The range of statutory damages allowed for all infringements involved
8 in an action, with respect to any one work for which any two or more infringers are jointly and
9 severally liable, is \$750 to \$30,000. 17 U.S.C. §504(c)(1). District courts have "wide discretion
10 in determining the amount of statutory damages to be awarded, constrained only by the specified
11 maxima and minima," and they can take into account whether "the recovery sought is
12 proportional to the harm caused by defendant's conduct." *Harris v. Emus Records Corp.*, 734
13 F.2d 1329, 1355 (9th Cir. 1984); *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1212
14 (W.D. Wash. 2014) (quoting *Landstar*, 725 F. Supp. 2d at 921). Because Defendants in this
15 action were alleged to have conspired with one another to infringe the same digital copy of
16 Plaintiff's motion picture, the Court will award the sum of \$750 for Defendants' infringement of
17 the same digital copy of *London Has Fallen*. Each of the Defendants is jointly and severally
18 liable for this amount, including Defendant. Plaintiff does not contest an award of \$750 and the
19 Ninth Circuit has determined that holding Defendants jointly and severally liable for a single
20 award of \$750 is proper. *LHF Prods. Inc. v. Doe I*, ___ F. App'x ___, 2018 WL 3017156 (9th
21 Cir. June 18, 2018).²
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² The Ninth Circuit's Memorandum decision applied to Ninth Circuit Case Nos. 17-35237; 17-35243; 17-35249; 17-35250; and 17-35253.

1 iii. *Attorneys' Fees and Costs*

2 Finally, Plaintiff asks the Court to award \$1,384.50 in attorneys' fees and \$157 in costs.
3 Dkt. #96-1³ at ¶¶ 12–13. Pursuant to 17 U.S.C. § 505, the Court “in its discretion may allow the
4 recovery of full costs by or against any party,” and “may also award a reasonable attorney’s fee
5 to the prevailing party as part of the costs.”

6 The Court agrees that Plaintiff should be awarded attorneys' fees. Courts consider several
7 factors, including “(1) the degree of success obtained, (2) frivolousness, (3) motivation, (4)
8 objective unreasonableness (legal and factual), and (5) the need to advance considerations of
9 compensation and deterrence,” when making attorneys' fee determinations under the Copyright
10 Act. *Smith v. Jackson*, 84 F.3d 1213, 1221 (9th Cir. 1996) (citing *Jackson v. Axton*, 25 F.3d 884,
11 890 (9th Cir. 1994)). Because Plaintiff has succeeded on its non-frivolous claims, and because
12 an award would advance considerations of compensation and deterrence, Plaintiff is entitled to
13 attorneys' fees.
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15 However, Plaintiff's attorneys' fees request is problematic. Courts determine fee award
16 amounts by first determining a “lodestar figure,” which is obtained by multiplying the number
17 of hours reasonably expended on a matter by the reasonable hourly rate. *Intel Corp. v. Terabyte*
18 *Int'l, Inc.*, 6 F.3d 614, 622 (9th Cir. 1993). Courts may then adjust the lodestar with reference to
19 factors set forth in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 69–70 (9th Cir. 1975). The
20 relevant *Kerr* factors here are: (1) the time and labor required; (2) the novelty and difficulty of
21 the questions; and (3) the skill requisite to perform the legal services properly. “The lodestar
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25 ³ Plaintiff filed a declaration by Mr. Lowe in support of its Motion for Default Judgment. Dkt.
26 #94. Plaintiff subsequently filed a praecipe to Mr. Lowe's declaration indicating that it corrected
typographical errors. Dkt. #96. It appears that the corrected declaration actually corrected a
math error, substantively changing the fees requested by Plaintiff. Nevertheless, the Court
accepts Mr. Lowe's amended declaration and considers it pursuant to Local Rule 7(m).

1 amount presumably reflects the novelty and complexity of the issues, the special skill and
2 experience of counsel, the quality of representation, and the results obtained from the litigation.”
3 *Intel*, 6 F.3d at 622. Given the nature of the work done by Plaintiff’s counsel, Mr. Lowe, the
4 Court does not find Plaintiff’s requested hourly rate, or the number of hours requested, to be
5 reasonable.

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7 1. *Reasonableness of Rate Requested*

8 In the Ninth Circuit, the determination of a reasonable hourly rate “is not made by
9 reference to rates actually charged the prevailing party.” *Chalmers v. City of Los Angeles*, 796
10 F.2d 1205 (9th Cir. 1986). Instead, the reasonable hourly rate is determined with reference to
11 the prevailing rates charged by attorneys of comparable skill and experience in the relevant
12 community. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984). “Generally, when determining a
13 reasonable hourly rate, the relevant community is the forum in which the district court sits.”
14 *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008). Courts may also consider
15 “rate determinations in other cases, particularly those setting a rate for the plaintiffs’ attorney”
16 as “satisfactory evidence of the prevailing market rate.” *United Steelworkers of Am. v. Phelps*
17 *Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).

19 Plaintiff argues that \$450 is a reasonable rate for “non-formulaic legal work” but requests
20 \$350 for Mr. Lowe’s routine work. Dkt. #94 at 5–6. However, similar cases in this District
21 suggest that a lower rate is appropriate. *See Qotd Film*, 2016 WL 5817027 at *3-4 (refusing to
22 award requested rate of \$450 where Mr. Lowe did not present evidence that this was prevailing
23 community rate). Notably, in two unrelated BitTorrent cases litigated by Mr. Lowe, this Court
24 has awarded Mr. Lowe a rate of \$350 and \$300 for work similar, if not identical, to the work
25 done in this matter. *See Id.* (finding an hourly rate of \$350 to be reasonable for Mr. Lowe’s work
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1 in a nearly identical case); also *Dallas Buyers Club, LLC v. Nydam, et al.*,⁴ 2016 WL 7719874,
2 at *5-6 (W.D. Wash. August 8, 2016) (finding an hourly rate of \$300 to be reasonable for Mr.
3 Lowe’s work in a nearly identical case). In *Dallas Buyers Club*, the Court reasoned that an hourly
4 rate of \$300 is far more appropriate because the cases litigated by Mr. Lowe did not require
5 extensive skill or experience. *Id.* at *6. Indeed, it appears that in litigating *Dallas Buyers Club*,
6 Mr. Lowe—similar to his actions in this case—recycled pleadings used in other cases and
7 encountered little or no opposition from the named Defendants. *Id.* Given that Mr. Lowe’s work
8 in this matter amounts to nothing more than form pleading, the Court adopts the reasoning of
9 other BitTorrent cases in this District and will reduce Mr. Lowe’s hourly rate to \$300.
10

11 An hourly rate of \$300 is also reasonable in this case as it is consistent with the hourly
12 rate the Court found appropriate in its earlier order of default judgment as to the other Defendants.
13 Dkt. #78 at 8–10. More importantly, the Ninth Circuit has affirmed this Court’s determination
14 that \$300 represents a reasonable hourly rate for the work performed by Mr. Lowe in identical
15 cases.⁵ *LHF Prods. Inc.*, 2018 WL 3017156 at *1–2.
16

17 2. Reasonableness of Hours Requested

18 Turning to the reasonableness of the hours requested, the Court notes the party seeking
19 fees “bears the burden of establishing entitlement to an award and documenting the appropriate
20 hours expended and hourly rates.” *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983). The Court
21 also excludes hours that are not reasonably expended because they are “excessive, redundant, or
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23 ⁴ The Court entered a single order for related case Nos.: C14-1684RAJ; C14-1926RAJ; C15-
24 133RAJ; C15-576RAJ; C15-579RAJ; C15-581RAJ; and C15-582RAJ.

25 ⁵ Mr. Lowe points to recent surveys of average billing rates to argue that a higher rate is
26 reasonable. Dkt. #96-1 at ¶ 7. But these general sources are not inconsistent with the Court’s
earlier findings that \$300 is a reasonable hourly rate, within this District, for the type of work
performed in these cases. Nor is the Court persuaded that it should utilize two different rates
depending on the “formulaic” nature of the work performed. Dkt. #96-1 at ¶ 8.

1 otherwise unnecessary.” *Id.* at 434. Further, the Ninth Circuit has held that it is reasonable for
2 a district court to conclude that the party seeking attorneys’ fees fails to carry its burden of
3 documenting the hours expended when that party engages in “block billing” because block billing
4 makes it more difficult to determine how much time was spent on particular activities. *Welch v.*
5 *Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007).

6 Mr. Lowe requests an unreasonable number of hours. In support of his attorneys’ fees
7 request, Mr. Lowe submits a declaration requesting compensation for 3.5 hours he allegedly spent
8 on work related to Defendant. Dkt. #96-1 at ¶ 11. Mr. Lowe also requests fees for the time his
9 legal assistant spent on Defendant’s case (at an hourly rate of \$145). Dkt. #96-1 at ¶ 11. But
10 Mr. Lowe’s activity within this District underscores the unreasonableness of this request.

12 Since April 2016, Mr. Lowe has represented Plaintiff in eighteen cases against hundreds
13 of Doe Defendants.⁶ These cases have all proceeded in a similar manner. Each of the complaints
14 originally filed in these eighteen cases lists Doe Defendants, identified only by IP addresses, and
15 alleges infringement of Plaintiff’s exclusive rights in the motion picture *London Has Fallen*.
16 Groups of Doe Defendants are named in the same complaint because they allegedly infringed the
17 same digital copy of *London Has Fallen* by participating in the same BitTorrent “swarm.” After
18 nearly identical complaints were filed, Plaintiff, in all eighteen cases, filed nearly identical
19 motions for expedited discovery. Once the Court granted Plaintiff’s motions for expedited
20 discovery, Plaintiff then served subpoenas on the ISPs associated with each Doe Defendant’s IP
21 address. Once the ISPs provided Plaintiff with the Doe Defendants’ identities, Plaintiff filed
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25 ⁶ See Case Nos. C16-551RSM, C16-552RSM, C16-621RSM, C16-623RSM, C16-731RSM,
26 C16-864RSM, C16-865RSM, C16-1015RSM, C16-1017RSM, C16-1089RSM, C16-1090RSM,
C16-1175RSM, C16-1273RSM, C16-1354RSM, C16-1588RSM, C16-1648RSM, C17-
254RSM, and C17-782RSM.

1 amended complaints. Except for the paragraphs identifying the Doe Defendants, all of the
2 amended complaints are identical. In all, Plaintiff has named 185 defendants.

3 After amending its complaints, Plaintiff voluntarily dismissed claims against some named
4 defendants—presumably because they paid Plaintiff some sum. If a claim is not settled, Plaintiff
5 continues to pursue its claim against the named defendants. Many of the remaining defendants
6 have not answered Plaintiff’s amended complaints. A named defendant’s failure to respond to
7 Plaintiff’s amended complaints then prompts Plaintiff to file a motion for default. To date the
8 Court has granted ninety of Plaintiff’s motions for default in seventeen of Plaintiff’s eighteen
9 cases. Except for the captions, the motions for default are generally identical. After the Court
10 grants Plaintiff’s motions for default, Plaintiff files nearly identical motions for default judgment.
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12 While there is nothing wrong with Plaintiff’s filing of several infringement claims, it is
13 wrong for Plaintiff’s counsel to file identical complaints and motions with the Court and then
14 expect the Court to believe that it spent *hundreds* of hours preparing those same complaints and
15 motions. *See Malibu Media, LLC v. Schelling*, 31 F. Supp. 3d 910, 912-13 (E.D. Mich. 2014)
16 (“If Malibu Media is experiencing a massive invasion of infringers, it is entitled to seek redress
17 through the courts.”). As this Court has previously noted, it was not reasonable for Mr. Lowe to
18 assert that he spent 185 hours in preparing the filings for default judgments against fifty-one
19 named defendants when the filings were essentially the same. Dkt. #78 at 12.
20

21 There is nothing unique, or complex, about engaging in what can only be described as
22 “the essence of form pleading,” and the Court will not condone unreasonable attorneys’ fees
23 requests. *Malibu*, 31 F. Supp. 3d at 912-13 (“[T]here is nothing unique about this case against
24 [defendant], it is quite a stretch to suggest that drafting and preparing the complaint for filing
25 took more than an hour, or that 1.3 hours were spent on drafting a motion for default judgment.”).
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1 Further, the Court finds it hard to believe that Mr. Lowe spent significant amounts of time
2 preparing filings in this case and Plaintiff’s related cases as the filings are nearly identical to
3 filings Mr. Lowe has previously used in other unrelated cases. *See, e.g., QOTD Film Investment*
4 *Ltd. v. Doe 1 et al.*, Case Nos. C16-371RSL (W.D. Wash. 2016) and *Dallas Buyers Club, LLC*
5 *v. Does 1-10*, C14-1684RAJ (W.D. Wash. 2014).

6 Instead of awarding the unreasonable number of hours requested by Plaintiff, the Court
7 will award Mr. Lowe 2 hours, at an hourly rate of \$300, to compensate his firm for the time he
8 worked on the case against Defendant.⁷ The Court will not award any of the time attributed to
9 Mr. Lowe’s legal assistant as review of the declaration submitted indicates that Mr. Lowe’s legal
10 assistant performed purely administrative tasks in this matter. Dkt. #96-1 at ¶ 11 (descriptions
11 include “[p]repare waivers, request to waive summons and complaint exhibits, and waivers” and
12 “[p]repare summons . . . [r]eview and update docket reminders regarding same”).

13
14 Mr. Lowe argues that “this case was unique among other cases in that it involved
15 additional work, including preparation of multiple motions for alternative service due to
16 Defendant’s avoidance of service.” Dkt. #94 at 6. But again, these are not tasks that required
17 much, if any, drafting as the documents overlapped significantly with documents used by Mr.
18 Lowe in other cases, including one of Plaintiff’s related cases. *See, e.g., C16-551RSM*, Dkt. #40;
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21 ⁷ The Court notes that a reduction in hours claimed is also appropriate as time appears inflated.
22 Mr. Lowe filed motions for default in five of Plaintiff’s cases before this Court on the same day—
23 July 2, 2018. *See C16-551RSM, C16-1017RSM, C16-1089RSM, C16-1090RSM, and C16-*
24 *1588RSM*. Combined, Plaintiff’s motions sought default judgment against 21 defendants. With
25 regard to each defendant, Mr. Lowe claims to have spent precisely 0.7 hours on the motions for
26 default on July 2, 2018—itself odd. *See e.g., C16-1588RSM*, Dkt. #61-1 at ¶ 11. Accordingly,
Mr. Lowe claims to have billed 14.7 hours on that day. While not outside the realm of possibility,
the Court has some concern as to the accuracy of this contention. Plaintiff’s last motion for
default judgment was filed at 7:14 p.m. on July 2, 2018. *See C16-1588RSM, Dkt. #59*. Thus,
giving Mr. Lowe the benefit of the doubt and assuming that he worked continuously and took no
breaks during the day, he began working at 4:32 a.m. While possible, the hours may be inflated.

1 C14-1684RAJ, Dkt. #31; C16-1926RAJ, Dkt. #76. In all, Plaintiff seeks approximately 0.9 hours
2 of additional time specific to Defendant. *Compare* Dkt. #96-1 at ¶ 11 with C16-1089RSM, Dkt.
3 #72-1 at ¶ 11. The Court finds that 0.4 of an additional hour, at an hourly rate of \$300, is
4 reasonable to compensate Mr. Lowe's firm for the tasks performed specifically because of and
5 related to Defendant.

6 Accordingly, the Court has adjusted Plaintiff's request of 3.5 hours to 2.4 hours at an
7 hourly rate of \$300. The Court is satisfied that an attorneys' fee award of \$720 is reasonable and
8 sufficient to cover Mr. Lowe's form-pleading work in this case. The Court also finds that the
9 requested costs are properly recovered from Defendant in full (\$157 per Dkt. #96-1 at ¶ 13).

11 IV. CONCLUSION

12 The Court, having reviewed the relevant briefing and the remainder of the record, finds
13 adequate bases for default judgment. Accordingly, the Court hereby finds and ORDERS:

- 14 1. Plaintiff's Motion for Default Judgment against Svetlana Kukhar (Doe 10), (Dkt. #94), is
15 GRANTED IN PART.
- 16 2. Defendant is hereby permanently enjoined from directly, indirectly, or contributorily
17 infringing Plaintiff's exclusive rights in the motion picture film *London Has Fallen*,
18 including without limitation by using the Internet to reproduce or copy *London Has*
19 *Fallen*, to distribute *London Has Fallen*, or to make *London Has Fallen* available for
20 distribution to the public, except pursuant to lawful written license or with the express
21 authority of Plaintiff.
- 22 3. To the extent any such material exists, Defendant is directed to destroy all unauthorized
23 copies of *London Has Fallen* in her possession or subject to her control.

1 4. Defendant is jointly and severally liable, with the other Defendants, for statutory damages
2 in the amount of \$750.00.

3 5. Defendant Svetlana Kukhar is individually liable for attorneys' fees in the amount of
4 \$720.00 and costs in the amount of \$157.00.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment consistent
6 with this Order and the Court's previous order granting default judgments in part (Dkt. #78).
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8 DATED this 7 day of August, 2018.

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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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